

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**VICTOR TAMAYO and
BONFILIO AVILES,**

Defendants.

)
)
)
)
)
)
)
)
)
)

8:09CR66

ORDER

This matter is before the court on the government's Motion to Continue Trial (Doc. 55), for the reason that the government's attorney of record "is scheduled to be in trial for United States v. Frausto, 8:09CR3" during the week of June 22, 2009.

The record shows that counsel for the United States was served with the trial order in this case on May 18, 2009. He did not enter any appearance in United States v. Frausto (in which the government is represented by two other counsel of record) until June 11, 2009, after the pending motion was filed and after defendant Tamayo's motion for a continuance had been denied.

IT IS ORDERED that the Motion to Continue Trial (Doc. 55) is denied.

Pursuant to [NECrimR](#) 57.2, a party may appeal this order by filing an "Appeal of Magistrate Judge's Order" no later than **June 15, 2009**.

DATED June 12, 2009.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**